

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**CURTIS HORTON
ADC #106534**

PETITIONER

v.

CASE NO. 5:17-CV-00322 BSM

**WENDY KELLEY, Director,
Arkansas Department of Correction**

RESPONDENT

ORDER

After *de novo* review of the record, United States Magistrate Judge Jerome T. Kearney's recommended disposition [Doc. No. 15] is adopted, and petitioner Curtis Horton's petition [Doc. No. 1] is dismissed. The objection [Doc. No. 18] is overruled because AEDPA's one-year statute of limitations is constitutional. *See Smith v. Norris*, No. 5:07-CV-00152 JLH, 2007 WL 4149803 at *3 (E.D. Ark. Nov. 19, 2007) (citing *Miller v. Marr*, 141 F.3d 976 (1998)). A certificate of appealability will not issue, and an *in forma pauperis* appeal would not be taken in good faith.

IT IS SO ORDERED this 4th day of March 2019.



UNITED STATES DISTRICT JUDGE